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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

| | |
|------------------------|-----------------|
| Application Number | 10/532,907 |
| Filing Date | April 27, 2005 |
| First Named Inventor | Nathan T. Hayes |
| Art Unit | n/a |
| Examiner Name | n/a |
| Attorney Docket Number | 33072/101/101 |

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| ENCLOSURES (Check all that apply) | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Check for 65.00, Notification of Missing Requirements, Response to Missing Requirements, Attachment A: Combined Declaration/Power of Attorney, Attachment B: Declaration of Mis-Joiner, and Return Postcard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|------------------------------------|----------|--------|
| Firm Name | Nawrocki, Rooney & Sivertson, P.A. | | |
| Signature | | | |
| Printed name | Richard C. Stempkowski, Jr. | | |
| Date | 10/28/05 | Reg. No. | 45,130 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | | | |
|-----------------------|-----------------------|------|----------|
| Signature | | | |
| Typed or printed name | Melissa A. Abeldgaard | Date | 10/28/05 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Rec'd PCT/PTO 31 OCT 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|--|--|---|
| 10/532,907 | Nathan T Hayes | 33072/101/101 |
| INTERNATIONAL APPLICATION NO. | | PRIORITY DATE |
| PCT/US03/36836 | | 11/17/2003 |
| I.A. FILING DATE | PRIORITY DATE | 11/15/2002 |
| 05909 NAWROCKI, ROONEY & SIVERTSON SUITE 401, BROADWAY PLACE EAST 3433 BROADWAY STREET NORTHEAST MINNEAPOLIS, MN 554133009 | DOCKETED OCT - 3 2005 Lynda Eberhard | CONFIRMATION NO. 2027 371 FORMALITIES LETTER  *OC000000017100432* |

Date Mailed: 09/27/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/27/2005
- Copy of the International Search Report filed on 04/27/2005
- Copy of IPE Report filed on 04/27/2005
- Preliminary Amendments filed on 04/27/2005
- Information Disclosure Statements filed on 07/29/2005
- Oath or Declaration filed on 04/27/2005
- Small Entity Statement filed on 04/27/2005
- U.S. Basic National Fees filed on 04/27/2005
- Priority Documents filed on 04/27/2005
- Power of Attorney filed on 04/27/2005
- Specification filed on 04/27/2005
- Claims filed on 04/27/2005
- Abstracts filed on 04/27/2005
- Drawings filed on 04/27/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

COPY

- Does not identify Inventor David R Schmidt who is listed on International Application.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/532,907 | PCT/US03/36836 | 33072/101/101 |

FORM PCT/DO/EO/905 (371 Formalities Notice)

11/04/2005 GFREY1 00000032 10532907

01 FC:2617

65.00 OP

Adjustment date: 05/01/2006 BCAMPBEL
11/04/2005 GFREY1 00000032 10532907
01 FC:2617 -65.00 OP
Refin. Ref: 05/01/2006 BCAMPBEL 0009214400
DAM:140820 Date/Number:10532907
TCL: 4134 65.00 CR

P A T E N T

#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of:

30 JAN 2006

Nathan T. Hayes

Serial No. : 10/532,907

**Legal Staff
International Division**

Examiner: N/A

Filed : April 27, 2005

Group Art Unit: N/A

For : SYSTEM AND METHOD OF VISIBLE SURFACE
DETERMINATION IN COMPUTER GRAPHICS USING
INTERVAL ANALYSIS

Docket No. : 33072/101/101

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
§371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an enveloped addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28th day of October, 2005.

By: Melissa A. Abeldgaard
Melissa A. Abeldgaard

Sir:

The subject correspondence is being supplied in connection to a notification mailed September 27, 2005, more particularly, in response to allegations that Applicant's declaration of April 27, 2005 is not compliant with 37 CFR 1.497(a) and (b). Specifically, the Office notes that Applicant's declaration is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68, and further

"[d]oes not identify David R. Schmidt who is listed on the international application."

As a preliminary, factual matter, Applicant filed **a first and only declaration of inventorship** in the form of a paper captioned COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION executed April 27, 2005, a marked up copy thereof herewith as **ATTACHMENT A**. The subject declaration was executed in accordance with 37 CFR 1.68, declaration in lieu of oath, with the declarant Mr. Hayes, on the same document, warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. §1001) [Attachment, reference numeral "1"] and that willful false statements and the like may jeopardize the validity of the application or patent issuing thereon [Attachment, reference numeral "2"]; and, with declarant Mr. Hayes setting forth in the body of the declaration that all statements made of his own knowledge are true [Attachment, reference numeral "3"], and that all statements made on information and belief are believed to be true [Attachment, reference numeral "4"]. Mr. Hayes, in executing the subject declaration, stated his belief that he is the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought in the instant application [Attachment, reference numeral "5"].

In response to the Office's allegation that the subject declaration does not comply with 37 CFR 1.497(a) and (b), we note

a prerequisite for the applicability of the subject rule, namely, that a declaration compliant with §1.497 has not previously been submitted in the international application under PCT Rule 4.17(iv). As is supported by the PCT Request filed November 17, 2003, no declaration as to the identity of the inventor or inventors was provided under PCT Rule 4.17(i) at the time of filing the international application, nor thereafter within the period to do so under PCT Rule 4.17(iv). The sole declaration as to inventorship, i.e., that executed April 27, 2005, was supplied in Applicant's 35 U.S.C. §371 filing of that date.

The declaration requirements of 37 CFR 1.497(a), are fourfold, namely, that the declaration: (1) be executed in accordance with either 35 CFR 1.66 or 1.68; (2) identify the specification to which it is directed; (3) identify each inventor and the country of citizenship of each inventor; and, (4) state the person making the declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

As previously noted, the subject declaration is compliant with 37 CFR 1.68; it included, as an attachment, the specification to which it was directed [Attachment, reference numeral "6"]; it identified each inventor and the country of citizenship of each [Attachment, reference numeral "7"]]; and stated that the person making the declaration believes the named inventor to be the

original and first inventor of the subject matter which is claimed and for which a patent is sought [Attachment, reference numeral "5"].

Undersigned cannot recall a requirement in the law, or the rules, wherein a declaration of inventorship in a U.S. national stage application filed pursuant to 35 U.S.C. §371 must list as declarants individuals who may have been identified in Box Nos. II and III of the Request. Quite contrary, among the several requirements of 37 CFR 1.497(a), which applies only when no declaration as to the identity of the inventor or inventors were provided under PCT Rule 4.17(i), is that the declarant(s) state that the inventor/inventors named in the declaration is/are the original and first inventor/inventors of the subject matter which is claimed and for which a patent is sought. Declarant Mr. Hayes has done just that.

Furthermore, herewith as **ATTACHMENT B**, please find a paper captioned DECLARATION OF MIS-JOINDER executed by those individuals identified in Box No. III of the Request, namely Mr. Hayes and Mr. Schmidt. Declarants each assert and attest that Mr. Schmidt was incorrectly identified as an inventor in the international application upon which the subject national application is based, and further assert and attest that Mr. Hayes is the sole inventor.

In light of the above remarks, it is respectfully submitted that the allegations of missing requirements presented in the

Notification are moot, with the subject application compliant with 35 U.S.C. §371, and thusly in condition for examination. Reconsideration is courteously requested.

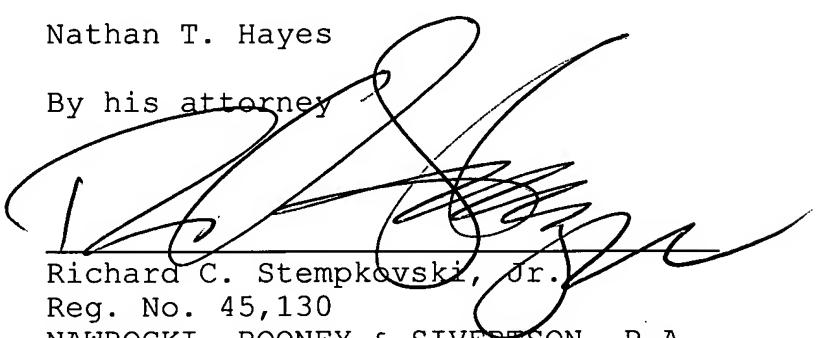
To the extent applicable, please charge any deficiencies or credit any over payment to Deposit Account 14-0620.

Respectfully submitted,

Nathan T. Hayes

By his attorney

Date 10/28/05


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